

BOIES, SCHILLER & FLEXNER LLP
OAKLAND, CALIFORNIA

MORRISON & FOERSTER LLP
MICHAEL A. JACOBS (Bar No. 111664)
mjacobs@mofo.com
MARC DAVID PETERS (Bar No. 211725)
mdpeters@mofo.com
DANIEL P. MUINO (Bar No. 209624)
dmuino@mofo.com
755 Page Mill Road, Palo Alto, CA 94304-1018
Telephone: (650) 813-5600 / Facsimile: (650) 494-0792

BOIES, SCHILLER & FLEXNER LLP
DAVID BOIES (Admitted *Pro Hac Vice*)
dboies@bsfllp.com
333 Main Street, Armonk, NY 10504
Telephone: (914) 749-8200 / Facsimile: (914) 749-8300
STEVEN C. HOLTZMAN (Bar No. 144177)
sholtzman@bsfllp.com
FRED NORTON (Bar No. 224725)
fnorton@bsfllp.com
1999 Harrison St., Suite 900, Oakland, CA 94612
Telephone: (510) 874-1000 / Facsimile: (510) 874-1460
ALANNA RUTHERFORD (Admitted *Pro Hac Vice*)
575 Lexington Avenue, 7th Floor, New York, NY 10022
Telephone: (212) 446-2300 / Facsimile: (212) 446-2350 (fax)

ORACLE CORPORATION
DORIAN DALEY (Bar No. 129049)
dorian.daley@oracle.com
DEBORAH K. MILLER (Bar No. 95527)
deborah.miller@oracle.com
MATTHEW M. SARBORARIA (Bar No. 211600)
matthew.sarboraria@oracle.com
500 Oracle Parkway, Redwood City, CA 94065
Telephone: (650) 506-5200 / Facsimile: (650) 506-7114

Attorneys for Plaintiff
ORACLE AMERICA, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE, INC.

Defendant.

Case No. CV 10-03561 WHA

**DECLARATION OF MEREDITH DEARBORN
IN SUPPORT OF ORACLE AMERICA, INC.'S
MOTION TO EXCLUDE PORTIONS OF THE
RULE 706 EXPERT REPORT OF DR. JAMES
KEARL**

Dept.: Courtroom 8, 19th Floor
Judge: The Honorable William Alsup

1 I, Meredith Dearborn, declare as follows:

2 1. I am an associate with the law firm of Boies, Schiller & Flexner LLP, attorneys for
3 plaintiff Oracle America, Inc. in the above captioned matter, and admitted to practice before this
4 Court.

5 2. I make this declaration based on my own personal knowledge. If called as a witness, I
6 could and would testify competently as to the matters set forth herein.

7 3. Attached hereto as **Exhibit A** is a true and correct copy of excerpts from the deposition
8 transcript of Andrew Rubin, dated April 15, 2012. **[SUBMITTED UNDER SEAL]**

9 4. Attached hereto as **Exhibit B** is a true and correct copy of the Expert Report of Dr. Alan
10 J. Cox as updated on April 27, 2012. **[SUBMITTED UNDER SEAL]**

11 5. I requested that Google agree to file these two exhibits in the public record, but Google's
12 counsel refused.

13 I declare under penalty of perjury that the foregoing is true and correct and that this
14 declaration was executed on May 1, 2012 at San Francisco, California.

15
16
17 By: /s/ Meredith Dearborn
Meredith Dearborn

ATTESTATION OF FILER

I, Steven C. Holtzman, have obtained Meredith Dearborn's concurrence to file this document on her behalf.

Dated: May 1, 2012

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Steven C. Holtzman
Steven C. Holtzman

Attorneys for Plaintiff
ORACLE AMERICA, INC.

BOIES, SCHILLER & FLEXNER LLP
OAKLAND, CALIFORNIA

EXHIBIT A

**FILED UNDER SEAL
PURSUANT TO THE
PROTECTIVE ORDER**

EXHIBIT B

**FILED UNDER SEAL
PURSUANT TO THE
PROTECTIVE ORDER**